

# ITEM 7-B

## CITY OF ALAMEDA

### Memorandum

To: Honorable President and  
Members of the Planning Board

From: Laura Ajello  
Planner I

Date: January 15, 2013

Re: **Use Permit and Design Review – PLN12-0230 – 1928 High Street – European Auto Repair.** Use Permit and Design Review approval to add a smog test facility to the existing business. Exterior changes consist of removing one window facing Fernside Blvd and replacing it with a garage door. The service bay is not deep enough to completely enclose the automobiles being serviced; therefore a portion of the cars will remain outside the building. Pursuant to Alameda Municipal Code (AMC) §30-4.8 (c)(6), a Use Permit is required for uses not conducted within an enclosed building.

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### BACKGROUND

The subject property, 1928 High Street, is located at the corner of High Street and Fernside Boulevard. The site is zoned C-1, Neighborhood Business District (see Figure 1). The applicant is requesting a minor exterior alteration that requires a Design Review, converting one window to a roll-up door to create a service bay where smog testing can be done at the site. A Conditional Use Permit is required because vehicles being tested will not be fully enclosed within the structure.

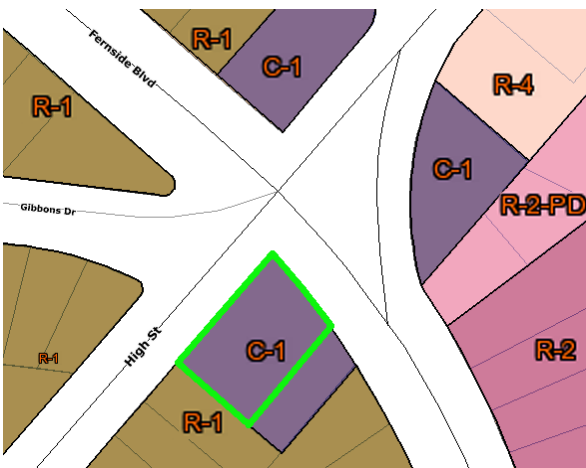


Figure 1: Zoning. Subject property in green



Figure 2: European Automotive Repair

According to City business license records, this site has been used for automotive services since 1951. As can be seen in Figure 2, this location was formerly a gasoline service station.

The Zoning Administrator reviewed this project on October 18, 2012. The project was continued and scheduled for Planning Board review due to the number of concerned neighbors that attended the meeting and provided written opposition to the project.

The Zoning Administrator asked the applicant and neighbors to work together and see if an acceptable solution could be reached prior to the Planning Board meeting. The project was rescheduled from December to provide additional time for these discussions between the applicant and the concerned neighbors. The neighbors agree that European Auto Repair is a good neighbor and they have no current complaints. However, they are concerned about potential noise generated by the new equipment, increased traffic, and conflict with state laws regulating smog check businesses.

### **Surrounding Land Uses**

Five parcels at the intersection at High Street and Fernside Boulevard are zoned C-1, Neighborhood Business District; they are surrounded by residential uses.

North: Commercial (High Street Station)

South: Commercial and Residential (adjacent lots include a commercial parking lot used by the rest home and a residence)

West: Residential

East: Commercial (rest home)



**North**



**East**



**West**



**South**

## PROPOSED USE

The existing automotive shop operates from 8 AM to 6 PM Monday through Friday and from 9 AM to 5 PM on Saturday; it is closed on Sunday. An area currently used for storage will be converted into a service bay used to perform smog check testing. The business owner expects up to 15 extra customers per day. One additional employee will be needed to perform the smog check testing. Equipment needed to run the test includes a dynamometer (dyno) and a computer.

Biennial smog certification is required for cars older than six years and certification is also required when a vehicle is sold. To perform the test a technician drives the car onto the dyno, which allows the tires to spin in place and simulates the car being driven. The dyno measures force (torque). Some newer model automobiles can be tested without use of the dyno; they can simply be tested by use of a computer. Vehicles such as electric and hybrid models do not require testing, nor do gasoline powered vehicles model year 1975 and older.



**Figure 3: Area of work (faces Fernside Blvd)**

The proposed exterior changes are minimal. A window on the front of the building will be replaced with a service door; one parking space will be removed. The window can be seen in Figure 3.

## DISCUSSION

A number of neighbors submitted letters opposing the project when it was originally brought before the Zoning Administrator. Copies of these letters are included in Exhibit 2 and a map of the neighbors can be found in Exhibit 3. The main issues were noise, increased traffic, and compliance with state laws regulation smog check providers. A discussion of these concerns follows.

### **Noise**

Alameda has a number of existing smog test businesses, many of which are located adjacent to residential zones. As a comparison, Planning Division staff visited one such facility to evaluate noise generated by smog testing. The comparable business performs up to 15 tests per day. The site has no history of complaints from neighbors regarding noise or any other issue on file with the Code Compliance Division.

Using a smart phone decibel reader application while standing in front of the service bay (approximately 25 feet away), the noise level during the test was the same as the loudest traffic noises on Lincoln Avenue (also 25 feet away). The dyno runs for up to 90 seconds maximum. The nearest residential property on Fernside Boulevard is separated from the subject site by a 41 foot wide parking lot, a 60 foot street (High

Street including the City right-of-way) separates residential neighbors across High Street, and neighbors on the other side of Fernside Boulevard are separated by 80 feet. Based on this site visit to a comparable business and distances to neighboring properties, staff concluded that the operations would be in compliance with City noise regulations and would not create a nuisance or noise problem for nearby property owners.

The business owner is also willing to install additional sound conditioning materials to dampen noise. Staff recommends that a follow up review by the Planning Board be made one year after smog-testing services have commenced to review noise issues and see if any additional noise attenuation mitigations are required.

### **Increased Traffic**

The Public Works Department is currently working on Phase 2 of a traffic calming plan for Fernside Boulevard between Versailles Avenue and High Street. A number of improvements (to slow vehicles down and increase pedestrian safety) were approved at the November 28, 2012 Transportation Commission meeting. Fernside Boulevard is listed as an Island Arterial in the Transportation Element with a capacity of 10,000-25,000 vehicles per day. The current average daily traffic equals 8,250 vehicles, which is well below capacity. The Public Works Department determined that the current level of traffic is within the range of acceptability. An increase of 15 vehicles per day is not considered a significant increase in traffic. Typically, traffic volumes vary by as much as 5% from day to day on any given arterial, so a 15 car increase on an arterial designed for between 10 and 25 thousand vehicles that is currently operating with just over 8,000 daily vehicles will not generate a noticeable increase for residents on Fernside Boulevard.

### **Non-compliance with state regulations**

The owner of European Auto Repair is wholly responsible for obtaining state licensing, and he believes that his proposal is in full compliance with new regulations that went into effect on January 1, 2013. As a condition of use permit approval, verification of state licensing is required prior to issuance of building permits.

### **Design Review**

Design changes consist only of replacing one window with a roll up metal door. The existing building was designed for automotive use and has similar doors. The new door will be the same width and height as the existing window. The existing driveway curb cut will remain. No existing landscaping will be removed to make space for the proposed additional roll up door. As a condition of approval, a detailed elevation drawing shall be submitted with the building permit to insure design compatibility with the other garage doors.

### **CONCLUSIONS AND FINDINGS:**

To approve the use permit, the Planning Board must make the following four findings:

- 1. The location of the proposed use is compatible with other land uses in the general neighborhood area, and the project design and size is architecturally, aesthetically, and operationally harmonious with the community and surrounding development.**

Staff believes this finding can be made for the following reasons:

According to City records, this site has been used for automotive services for over 60 years. The current operator has owned the business for 17 years and his father ran it before him. The business is closed on Sunday and neighbors describe the business as a good neighbor.

The site is zoned C-1, Neighborhood Business District at the corner of two major streets: Fernside and High. The surrounding development is either commercial or residential and uses include a rest home, the High Street Bridge Center, single, and multi-family dwellings. The addition of smog test service is compatible with the neighborhood because it is intended to serve residential areas with convenient service facilities. The proposed project is limited to one new service bay for smog testing only and will not generate excessive noise or traffic.

A use permit is required pursuant to AMC §30-4.8 (c)(6) because depending on the size of the vehicle and whether it is front or rear-wheel drive, portions of cars being tested may not fit completely within the enclosed building and this is classified as an outdoor use. Not all cars are tested in this manner, according to the business owner, some newer cars are equipped with sophisticated computer systems and can be tested by simply plugging the car into an on site diagnostics computer.

In conclusion, staff believes the additional services will have minimal to no impact on the nearby residents and will provide a necessary automobile service to the neighborhood, which is not currently available within the neighborhood, on a site that has been used for automobile services for over 60 years.

- 2. The proposed use will be served by adequate transportation and service facilities, including pedestrian, bicycle and transit facilities.**

The site is located at the intersection of two major streets and is served by transit facilities (AC Transit lines W & O). Nonetheless, the use is automotive repair; inherently customers will drive to the site. Off-street parking is available. However, it should be noted that the adjacent parking lot on High Street is part of the rest home located across the street. During a site visit conducted by staff on September 13, 2012 at 11:30 AM, ample street parking was available and the rest home parking lot was not full. Only one (non-conforming) off-street parking space will be removed to provide access to the new smog check service bay. The project is not expected to generate a significant increase in traffic to the site.

- 3. The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity and**

**will not have deleterious effects on existing business districts or the local economy.**

Automotive uses have been in operation at this site for 61 years per City of Alameda records. The site formerly included a gasoline station. There is no history of building code violations other than complaints regarding graffiti on the building in 2001. Neighbors that voiced opposition to the project described the business as quiet and a good neighbor but are concerned about increased traffic, noise generated by the smog testing service, and that the use is not permitted per state law.

Staff does not expect the project to result in a substantial intensification of use or create significant impacts to the surrounding properties. The Transportation Commission has been studying this area and has determined that the average daily traffic on Fernside Boulevard is well below the number of vehicles this road is expected to carry. Noise levels were observed by Planning staff at a comparable facility and noise levels was equal to that of the street traffic. The subject site faces Fernside Boulevard and has more space between it and the neighboring residential properties. The business owner is also amenable to installing additional sound conditioning materials. State law regulates smog test services and the applicant is solely responsible for obtaining state licensing.

Smog test customers are typically served immediately and do not leave their cars at the site. The entire process takes an estimated 30 minutes according the California Bureau of Automotive Repair. The applicant anticipates that the new service may generate up to 15 customers per day and will require 1 additional employee per shift. Currently there are approximately 3-5 auto repair customers per day. Approval of this project will help an established family-owned business remain competitive and successful.

**4. The proposed use relates favorably to the General Plan.**

The proposed project is in conformance with General Plan goals and policies for this area. The site is located in the East End and is designated as Neighborhood Business under the General Plan. This land use classification is intended to serve residential areas with convenient shopping and service facilities. Allowing an established business to expand its services to remain competitive is consistent with General Plan Guiding Policy 2.5.a, which is to provide enough retail business and services space to enable Alameda to realize its full retail sales potential and provide Alameda residents with the full range of retail business and services.

**DESIGN REVIEW FINDINGS:**

**1. The proposed design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual.**

The project has been reviewed for consistency with City development regulations, policies and design guidelines. The project will replace a window with a metal roll up door to convert a portion of the building used for storage into a service bay for smog test use. The project faces a major public street and will not block views, cause a

substantial increase in traffic, noise, light or shading or otherwise adversely affect neighboring properties.

**2. The proposed design is appropriate for the site, is compatible with adjacent or neighboring buildings or surroundings, and promotes harmonious transitions in scale and character in areas between different designated land uses.**

Based on review of project plans and visits to the site, this project has been deemed compatible and harmonious with the design and use of surrounding properties. The roll up door is visually compatible with a building designed for automotive uses (formerly a gasoline service station) and will not otherwise adversely affect neighboring properties. No new driveway curb cuts are proposed and no changes to existing curb cuts are required.

**3. The proposed design of the structure and exterior materials are visually compatible with the surrounding development, and design elements have been incorporated to ensure the compatibility of the structure with the character and uses of adjacent development.**

The subject property is located in a neighborhood commercial zoning district. The site houses a long-standing automotive use within a building designed for this use. The building has three existing roll up doors. Design changes consist only of replacing one window with an additional roll up metal door. No existing landscaping is to be removed to make space for the proposed additional roll up door.

### ENVIRONMENTAL REVIEW

This project is Categorically Exempt from environmental review, pursuant to the CEQA Guidelines Section 15301 – Existing Facilities. The automotive service building and use has existed at this site since 1951. Only minimal changes to the existing structure are proposed.

### PUBLIC NOTICE

A notice for this hearing was mailed to property owners and residents within 300 feet of this site, published in the Alameda Journal and posted at the subject property.

### RECOMMENDATION

Approve a Use Permit and Design Review, PLN12-0230, to allow a use that is not fully enclosed within a structure, and one window to be replaced with a roll-up metal door, and find the project Categorically Exempt from CEQA.

Respectfully submitted,

Laura Ajello  
Planner I



Exhibits:

1. Draft resolution
2. October 18, 2012 Zoning Administrator public comments
3. 300 foot radius map that also shows neighbors that oppose the project
4. Application and supplemental information
5. Project Plans
6. Petition in support of the project